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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,314	11/06/2006	Heiko Neumetzler	02316.2163USWO	1804
23552 7590 06/28/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER BAUER, SCOTT ALLEN	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/553,314	NEUMETZLER ET AL.	
	Examiner	Art Unit	
	Scott Bauer	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/21/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 8 recites the limitation "the end sides" in lines 2 & 3. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 & 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (EP 0460223).

With regard to claims 1 & 3, Ito et al., in Figures 1 & 2, discloses an overvoltage protection magazine for a telecommunication device, comprising a housing (4), a printed circuit board (3), two or more surge arresters (1) and at least one ground contact (see fig. 7), the surge arresters, being arranged on the printed circuit board and being passed via conductor tracks (see fig. 3) to contact pads arranged on the printed circuit board which, when plugged in, come into electrical contact with contacts of the telecommunications device, wherein the surge arresters are arranged in a row (re claim 1), wherein the housing is integral (re claim 3).

3. Claims 1-3, 8, 10 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kane (US 6,166,894).

With regard to claim 1, Kane, in Figure 3, discloses an overvoltage protection magazine for a telecommunication device, comprising a housing (12), a printed circuit board (14), two or more surge arresters (25d) and at least one ground contact (20), the surge arresters, being arranged on the printed circuit board and being passed via conductor tracks to contact pads (16) arranged on the printed circuit board which, when plugged in, come into electrical contact with contacts of the telecommunications device, wherein the surge arresters are arranged in a row (re claim 1) wherein the surge arresters are in the form of SMD surge arresters (column 2 lines 35-38) (re claim 2), wherein the housing is integral (re claim 3), wherein the housing is provided with a slot on at least one of the end sides (for the ground contact 20 to pass through) (re claim 8), wherein the surge arresters are fail-safe (re claim 10), wherein the bottom of the housing is provided with cutouts in the region of the ground contacts (see figs. 1 & 2) (re claim 12).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane in view of Thalhammer (EP 0410140).

With regard to claim 4, Kane teaches the over voltage protection magazine of claim 3.

Kane does not teach that the housing is open at the top and covered by an insulator strip.

Thalhammer, in Figure 1, teaches an over voltage protection magazine wherein the housing is open at the top and covered by an insulator strip.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kane with Thalhammer, by incorporating the strip of Thalhammer into the device of Kane, for the purpose of allowing the device to be opened with bare fingers thus making it easier to service the device.

With regard to claim 5, Kane in view of Thalhammer discloses the device of claim 4. Thalhammer, in figure 2, further discloses that the inner sides of the housing are provided with supports for the insulator strip.

5. Claims 6 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane in view of Thalhammer as applied to claim 4 above, and further in view of Stephan et al. (US 5,755,026):

With regard to claim 6, Kane in view of Thalhammer teaches the device of claim 4.

Kane in view of Thalhammer does not teach that the housing is provided with semicylindrical recesses, which are provided with slots in the region of the top of the housing, the insulator strip being passed between the slots.

Stephan et al, in Figure 1 & 2, teaches a device wherein the housing (14) is provided with semicylindrical recesses (15), which are provided with slots in the region of the top of the housing, a top cover (24) strip being passed between the slots.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kane in view of Thalhammer with Stephan et al., by incorporating the recesses of Stephan et al. into the device of Kane in view of Thalhammer, for the purpose of fitting the strip into the housing without requiring the molded on pivot pin (6) thus reducing the complexity of the device saving cost.

With regard to claim 7, Kane in view of Thalhammer discloses the device of claim 4. Stephan et al. further discloses that the edges at the top of the housing are set back at the sides such that the cover is flush with the top of the housing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kane in view of Thalhammer with Stephan et al. as described above.

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6. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Kane in view of DeBalko et al. (US 5,175,662).

With regard to claim 9, Kane teaches the device of claim 1. Kane et al. further teaches that the ground contact is in the form of a fork contact.

Kane does not teach that the ground contact is in the form of a fork contact and is connected to the printed circuit board via the fork contact.

DeBalko et al., in Figure 2, teaches a surge arrestor device wherein a printed circuit board is coupled to a contact via a fork contact (24, 25, 51 & 52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kane with DeBalko et al., by incorporating the connection scheme of DeBalko et al., for the purpose of easily constructing the device wherein the device can be constructed by hand thus saving time.

7. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kane in view of Smith (US 4,496,803).

With regard to claim 11, Kane teaches the device of claim 1.

Kane does not teach that the contact pads of the printed circuit board are made of silver.

Smith, teaches a circuit wherein the contact pads of the printed circuit board are made of silver (column 3 lines 9-18):

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kane with Smith, by incorporating the silver contacts of Smith into the device of Kane, for the purpose of improving conductivity and reliability of the electrical connection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bauer whose telephone number is 571-272-5986. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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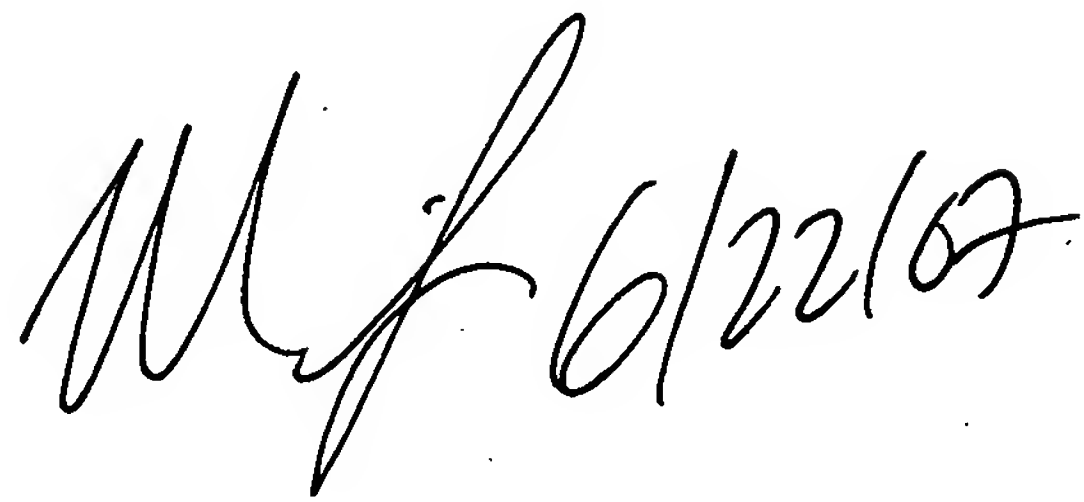
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SAB

18 JUN 07

A handwritten signature in black ink, appearing to read "MS 6/22/07". The signature is stylized and cursive.

MICHAEL SHERRY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800